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EXAMINER

ABEL JALIL, NEVEEN

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 07/13/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application 09/991,551	Applicant(s) KERKINNI, FUAT J.	
	Examiner Neveen Abel-Jalil	Art Unit 2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 18-36 is/are rejected.
- 7) ☒ Claim(s) 15-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed on April 23, 2004 has been received and entered. Claims 1-36 are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 1-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, and 25 recites the limitation "the equipment" in lines 4 and 6. There is insufficient antecedent basis for this limitation in the claim.

Claims 2-11, and 26-28, respectively, are dependent from claims 1, and 25 and therefore lack the same deficiency pointed above.

Claims 12, and 18 recites the limitation "the automobile" in lines 4 and 6. There is insufficient antecedent basis for this limitation in the claim.

Claims 13-14, and 13-17, respectively, are dependent from claims 12, and 18 and therefore lack the same deficiency pointed above.

Claim 32 recites the limitation "the equipment" in line 4 and the limitation "the automobile" in line 5. There is insufficient antecedent basis for those limitations in the claim.

Claims 33-36 are dependent from claim 32 and therefore lack the same deficiency pointed above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao (U.S. Patent No. 6,347,302 B1) in view of Büdel (U.S. Patent No. 5,711,392).

As to claim 1, Joao discloses a method for tracking usage information for equipment, the method comprising:

(a) from a client personal usage information and business usage information for the equipment (See Joao column 3, lines 41-55, and see Joao column 5, lines 6-14);

(b) and storing in a server the personal usage information and business usage information for the equipment (See Joao column 9, lines 16-67, also see Joao claim 3 language);

(c) compiling total usage information (See Joao column 9, lines 16-67, also see Joao column 10, lines 1-20, also see Joao column 11, lines 61-67, and see Joao column 12, lines 1-17);

(d) generating a report for a reporting period by using the information received wherein the report provides details on total personal usage information and total business usage information for the reporting period (See Joao column 9, lines 16-67, wherein “reporting” reads on “statistical information”).

Joao does not teach electronically periodically soliciting; electronically periodically receiving.

Büdel teaches electronically periodically soliciting; electronically periodically receiving (See column 3, lines 34-67, also see column 6, lines 1-42, also see abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Joao to include electronically periodically soliciting; electronically periodically receiving.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Joao by the teaching of Büdel to include electronically periodically soliciting; electronically periodically receiving because it provides more up-to-date and accurate information and data synchronization.

As to claim 2, Joao as modified discloses comprising:

- (a) providing a field for entering an identification number (See Joao figure 4A, 82, shows “identification number” represented by “individual/entity information”); and
- (b) providing a field for entering a group number (See Joao column 12, lines 1-26, wherein “group” reads on “analogous classes”).

As to claim 3, Joao as modified discloses wherein the act of electronically receiving the usage information from the client further comprises electronically periodically receiving the information over the Internet (See Joao column 9, lines 16-67, also see Joao claim 26 language,

and see Joao column 5, lines 6-13).

As to claim 4, Joao as modified discloses wherein the act of electronically receiving the usage information from the client for the specified period further comprises electronically receiving the information through a telephone interactive voice response system (See Joao column 17, lines 1-13).

As to claim 5, Joao as modified discloses wherein the personal usage information and the business usage information relates to hours of use (See Joao claim 25 language, also see claim 3 language).

As to claim 6, Joao as modified discloses wherein the usage information relates to usage information for leased vehicles (See Joao column 11, lines 32-60).

As to claim 7, Joao as modified discloses wherein the act of electronically receiving the usage information from the client further comprises providing separate fields for periodically entering at least one member of a group comprising a current total distance driven, a business distance driven, a personal distance driven, and a client personal credit (See Joao claims 1-5 language).

As to claim 8, Joao as modified discloses wherein the act of electronically periodically receiving the usage information from the client for the specified period further comprises

electronically periodically receiving from the client at least one member of the group comprising the current total distance driven, the business distance driven, the personal distance driven (See Joao column 9, lines 16-25), and the client personal credit (See Joao column 10, lines 58-65).

As to claim 9, Joao as modified discloses wherein the act of generating a report further includes tabulating the current total distance driven, the total business distance driven, the personal distance driven, and the personal credit for the specified period (See Joao column 9, lines 44-67, also see Joao claims 1-5 language).

As to claim 10, Joao as modified discloses wherein the act of generating the report further comprises reporting the usage information to the client upon demand (See Joao column 15, lines 49-65).

As to claim 11, Joao as modified discloses wherein the act of generating the report further comprises reporting the usage information to the client at regular business intervals (See Joao column 11, lines 10-67).

As to claim 12, Joao discloses a method for tracking usage information for an automobile, the method comprising:

(a) from a client personal usage information and business usage information for the automobile (See Joao column 3, lines 41-55, and see Joao column 5, lines 6-14);

(b) and storing in a server the personal usage information and business usage information for the equipment (See Joao column 9, lines 16-67, also see Joao claim 3 language);

(c) compiling total usage information (See Joao column 9, lines 16-67, also see Joao column 10, lines 1-20, also see Joao column 11, lines 61-67, and see Joao column 12, lines 1-17);

(d) generating a report for a reporting period by using the information received wherein the report provides details on total personal usage information and total business usage information for the reporting period (See Joao column 9, lines 16-67, wherein “reporting” reads on “statistical information”).

Joao does not teach electronically periodically soliciting; electronically periodically receiving.

Büdel teaches electronically periodically soliciting; electronically periodically receiving (See column 3, lines 34-67, also see column 6, lines 1-42, also see abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Joao to include electronically periodically soliciting; electronically periodically receiving.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Joao by the teaching of Büdel to include electronically periodically soliciting; electronically periodically receiving because it provides more up-to-date and accurate information and data synchronization.

As to claim 13, Joao as modified discloses wherein the act of electronically periodically receiving the usage information from the client further comprises providing separate fields for periodically entering at least one member of a group comprising a current total distance driven, a business distance driven, a personal distance driven, and a client personal credit (See Joao claims 1-5 language).

As to claim 14, Joao as modified discloses wherein the act of electronically periodically receiving the usage information from the client further comprises electronically periodically receiving from the client at least one member of the group comprising the current total distance driven, the business distance driven (See Joao column 9, lines 16-25), and the client personal credit (See Joao column 10, lines 58-65).

As to claim 18, Joao discloses a method for tracking usage information for equipment using a server, a communication pathway, a user interface device, and a client database, the server including at least one software program (See Joao column 16, lines 1-67), the method comprising:

(a) from a client personal usage information and business usage information for the equipment (See Joao column 3, lines 41-55, and see Joao column 5, lines 6-14);

(b) and storing in a server the personal usage information and business usage information for the equipment (See Joao column 9, lines 16-67, also see claim 3 language);

(c) compiling total usage information (See Joao column 9, lines 16-67, also see Joao column 10, lines 1-20, also see Joao column 11, lines 61-67, and see Joao column 12, lines 1-17);

(d) generating a report for a reporting period by using the personal usage and business usage information received wherein the report provides details on total personal usage information and total business usage information (See Joao column 9, lines 16-67, wherein “reporting” reads on “statistical information”).

Joao does not teach electronically periodically soliciting; electronically periodically receiving.

Büdel teaches electronically periodically soliciting; electronically periodically receiving.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Joao to include electronically periodically soliciting; electronically periodically receiving.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Joao by the teaching of Büdel to include electronically periodically soliciting; electronically periodically receiving because it provides more up-to-date and accurate information and data synchronization.

As to claim 19, Joao as modified discloses wherein the act of electronically periodically receiving the usage information from the client further comprises electronically periodically receiving the information over the Internet (See Joao column 5, lines 6-13).

As to claim 20, Joao as modified discloses wherein the act of electronically periodically receiving the usage information from the client further comprises electronically periodically receiving the information through a telephone interactive voice response system (See Joao column 17, lines 1-13).

As to claim 21, Joao as modified discloses wherein the personal usage information and the business usage information relates to hours of use (See Joao claim 25 language, also see claim 3 language).

As to claim 22, Joao as modified discloses wherein the usage information relates to usage information for leased vehicles (See Joao column 11, lines 32-67).

As to claim 23, Joao as modified discloses wherein the act of electronically periodically receiving the personal and business usage information from the client further comprises providing separate fields for periodically entering at least one member of the group comprising a current total distance driven, a business distance driven, a personal distance driven, and a client personal credit (See Joao claims 1-5 language).

As to claim 24, Joao as modified discloses wherein the act of electronically periodically receiving the usage information from the client further comprises electronically periodically receiving from the client at least one member of the group comprising the current total distance driven, the business distance driven (See Joao column 9, lines 16-25), and the client personal

credit (See Joao column 10, lines 58-65).

As to claim 25, Joao discloses a system for tracking usage information for equipment, the system comprising:

(a) a user interface device from a client personal usage information and business usage information for the equipment (See Joao column 16, lines 56-65, wherein “user interface device” reads on “personal computer”);

(b) a server adapted to receive from the user interface device, process, and retrieve the client personal usage information and business usage information (See Joao column 5, lines 41-67);

(c) at least one software program resident in the server, the at least one software program executed by a processor to periodically process requests and responses from the user interface device (See Joao column 16, lines 1-65);

(d) a client database for periodically storing the client personal usage information and business usage information (See Joao column 7, lines 1-42); and

(e) a communication pathway electronically periodically linking the system server to the user interface device automobile (See Joao column 5, lines 6-13).

Joao does not teach electronically periodically soliciting; electronically periodically receiving.

Büdel teaches electronically periodically soliciting; electronically periodically receiving.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Joao to include electronically periodically soliciting; electronically periodically receiving.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Joao by the teaching of Büdel to include electronically periodically soliciting; electronically periodically receiving because it provides more up-to-date and accurate information and data synchronization.

As to claim 26, Joao as modified discloses wherein the at least one software program is executed by a processor to send information to the client (See Joao column 16, lines 1-65).

As to claim 27, Joao as modified discloses wherein the at least one software program is executed by a processor to compile and store information (See Joao column 5, lines 38-67).

As to claim 28, Joao as modified discloses wherein the at least one software program is executed by a processor to generate reports (See Joao column 9, lines 44-67, wherein “reports” reads on “statistical information”).

As to claim 29, Joao as modified discloses wherein the usage information relates to hours of use (See Joao claim 25 language, also see Joao claim 3 language).

As to claim 30, Joao as modified discloses wherein the usage information relates to usage information for leased vehicles (See Joao column 9, lines 16-25, also see Joao column 7, lines 1-15).

As to claim 31, Joao as modified discloses wherein the usage information comprises at least one member of the group comprising a current total distance driven, a business distance driven, a personal distance driven, and a client personal credit (See Joao column 6, lines 34-57).

As to claim 32, Joao discloses a system for tracking usage information for an automobile, the system comprising:

(a) a user interface device form a client personal usage information and business usage information for the equipment (See Joao column 16, lines 56-65, wherein “user interface device” reads on “personal computer”);

(b) a server adapted to receive from the user interface device, process, and retrieve the client personal usage information and business usage information relating to the automobile (See Joao column 5, lines 41-67);

(c) at least one software program resident in the server, the at least one software program executed by a processor to process requests and responses from the user interface device (See Joao column 16, lines 1-65, also see Joao figure 5, 201, shows “server” represented by “central processing computer”, also see Joao column 8, lines 57-67, wherein “to process” reads on “updated”);

(d) a client database for storing the client personal usage information and business usage information relating to the automobile (See Joao column 7, lines 1-42, also see Joao column 8, lines 57-67); and

(e) a communication pathway electronically periodically linking the system server to the user interface device automobile (See Joao column 5, lines 6-13, also see Joao column 8, lines 57-64, wherein “electronically periodically linking” reads on “maintain the most accurate and current data”).

Joao does not teach electronically periodically soliciting; electronically periodically receiving.

Büdel teaches electronically periodically soliciting; electronically periodically receiving.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Joao to include electronically periodically soliciting; electronically periodically receiving.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Joao by the teaching of Büdel to include electronically periodically soliciting; electronically periodically receiving because it provides more up-to-date and accurate information and data synchronization.

As to claim 33, Joao as modified discloses wherein the at least one software program is executed by a processor to send information to the client (See Joao column 16, lines 1-65).

As to claim 34, Joao as modified discloses wherein the at least one software program is executed by a processor to compile and store information (See Joao column 5, lines 38-67).

As to claim 35, Joao as modified discloses wherein the at least one software program is executed by a processor to generate reports (See Joao column 9, lines 44-67, wherein “reports” reads on “statistical information”).

As to claim 36, Joao as modified discloses wherein the usage information comprises at least one member of the group comprising a current total distance driven, a business distance driven, a personal distance driven, and a client personal credit (See Joao column 6, lines 34-57).

Allowable Subject Matter

6. Claims 15-17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for allowable subject matter:

The prior art of record (Joao -U.S. Patent No. 6,347,302 B1) does not disclose, teach, or suggest the claimed limitations of (in combination with all other features in the claim), wherein the act of generating the report further includes tabulating the current total distance driven, the total business distance driven, the personal distance driven, and the personal credit for the specified period, as claimed in dependent claim 15.

Claims 16-17 are objected to as allowable over the prior art made of record, because they are dependent from the objected to as allowable dependent claim 15.

Response to Arguments

8. Applicant's arguments with respect to claims 1-36 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gehlot (U.S. Patent No. 6,167,333) teaches highway information system.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 703-305-8114. The examiner can normally be reached on 8:30AM-5: 30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Neveen Abel-Jalil
July 11, 2004



**CHARLES RONES
PRIMARY EXAMINER**